IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 6916 of 2007(W)

CRIME NO.60 & 61/2007 OF VALANCHERY POLICE STATION

PETITIONER:

SULAIMAN, S/O.ALASSAN HAJI,
AGED 30 YEARS, MATTATHOOR HOUSE,
KOLAMANGALAM, VALANCHERY, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

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1. THE SUPERINTENDENT OF POLICE,
MALAPPURAM.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUR, MALAPPURAM DISTRICT.

3. THE CIRCLE INSPECTOR OF POLICE,
VALANCHERY, MALAPPURAM DISTRICT.

4. MR.ALAVI, SUB INSPECTOR OF POLICE,
VALANCHERY POLICE STATION, MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P.C.No.6916 of 2007

Dated this the 13th day of March 2007

JUDGMENT

The grievance of the petitioner is that there is no proper investigation conducted into crime Nos.60 and 61 of 2007 of Valanchery Police Station. He prays that investigation may be directed to be conducted by any superior official of police.

2. The petitioner makes that request because he is dissatisfied with the conduct of the investigation in crime Nos.60 and 61 of 2007. It is submitted that, in Crime No.60/2007, the victim had suffered a fracture. Intimation thereof was given by the medical officer to the police. Fracture of the ulna is the injury suffered. The grievance is that the crime was registered only under Section 324 I.P.C. This was done, it is alleged, to facilitate easy release of the accused persons on bail. One of them had actually been released on bail as the offence then was the one punishable under Section 324 I.P.C only. The ulna was fractured but that fact is seen noted in the wound certificate when the injured was taken to the hospital. But report for alteration of the Section was filed long

later - allegedly only after the petitioner complained to the superior officer.

3. The investigating officer/4th respondent has filed a statement. He submits that he has absolutely no objection in these crimes being investigated by another officer. However, he hastens to deny all allegations raised. The F.I statement was not recorded by him but only by a subordinate Police Constable and in these circumstances, the omission to include Section 326 as the offence in the F.I.R was not wilful, it is submitted. The fourth respondent further states that if crime Nos.60 and 61 of 2007 were to be investigated by another officer, Crime Nos.62 and 63 of 2007 may also be entrusted to the same officer for investigation as the allegations in all these four crimes are inter-related. The learned Public Prosecutor supports that stand of the Investigating Officer.

4. Having considered all the relevant inputs, I am satisfied that the first respondent can be directed to pass orders to entrust the investigation to the third respondent who shall conduct an efficient and expeditious investigation into all the four crimes, that is Crime Nos.60 to 63 of 2007 which all appear to be inter-related. Necessary orders to this effect shall be

issued by the first respondent within a period of fifteen days. The learned Public Prosecutor shall communicate this direction to the first respondent. A report of the action taken shall be filed by respondents 1 and 3 before this court within one month from this day under intimation to the petitioner.

Hand over a copy of this order to both the learned Public Prosecutor and the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006